

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated April 10, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-15 are pending in this application. Claims 9-15 are added by this amendment. By means of the present amendment, claims 1-8 are amended including for better conformance to U.S. practice, such as deleting reference designations typically used in European practice that are known to not limit the scope of the claims. Further amendments include changing "characterized in that" to -- wherein-- and amending dependent claims to begin with "The" as opposed to "A". By these amendments, claims 1-8 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. §102(a) as allegedly anticipated by Applicant's Admitted Prior Art ("AAPA"). It is respectfully submitted that claims 1-15 are allowable over AAPA for at least the following reasons.

It is respectfully submitted that the apparatus of claim 1 is not anticipated or made obvious by the teachings of AAPA. For example, AAPA does not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein said irradiation means are sequentially pulsed from at least a high laser current write level to a low laser current level LL close to zero and back to the high laser current write level for each bit of a binary value during the writing period of a recorded mark" as recited in claim 1, and as substantially recited in each of claims 5 and 9.

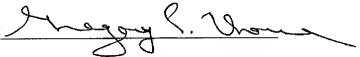
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 5 and 9 are patentable over AAPA and notice to this effect is earnestly solicited. Claims 2-4, 6-8 and 10-15 respectively depend from one of Claims 1, 5, and 9 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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